

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
AT DULUTH**

CASE NO.:

CHARLES O. CECIL,

Plaintiff,

v.

BACK COUNTRY RESORT, LLC dba
LAKEWOOD LODGE,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff CHARLES O. CECIL by and through his undersigned counsel, brings this Complaint against Defendant BACK COUNTRY RESORT, LLC dba LAKEWOOD LODGE for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff CHARLES O. CECIL (“Cecil”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Cecil's original copyrighted Work of authorship.

2. Cecil is a member of ASMP (American Society of Media Photographers) and SATW (Society of American Travel Writers) and was voted an ASMP "Best of 2012" photographer. He is an SATW Bronze Award Winner for Single-Subject Portfolios: Bali (2016), Bhutan (2019), Singapore (2021). Throughout Cecil's career, he has amassed in-depth coverage of African, Arab, Islamic, Buddhist, Hindo, and Hispanic culture that emphasizes people, religion, agriculture, handicrafts, public health and economic development. In addition,

Cecil's collection includes scenic landscapes and street life in the United States, Europe, and other countries of the world. Cecil's past clients include Conde Nast Traveler, National Geographic Traveler, McGraw-Hill, Lonely Planet, Pearson Education, Harcourt Education, Crabtree Publishing, Houghton Mifflin and more. In addition to his unique travel photography, Cecil is an accomplished travel writer.

3. Defendant BACK COUNTRY RESORT, LLC dba LAKEWOOD LODGE (“Lakewood”) is a resort in northern Minnesota that consists of a large lodge, 14 lake-view cabins, 2 fish cleaning houses and a game room on 15+ acres with 800 feet of shore line on Sand Lake. At all times relevant herein, Lakewood owned and operated the internet website located at the internet URL www.lakewoodlodge.com (the “Website”).

4. Cecil alleges that Defendant copied Cecil’s copyrighted Work from the internet in order to advertise, market and promote its business activities. Lakewood committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the Lakewood's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Minnesota.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Lakewood engaged in infringement in this district, Lakewood resides in this district, and Lakewood is subject to personal jurisdiction in this district.

DEFENDANT

9. Back Country Resort, LLC dba Lakewood Lodge is a Minnesota Limited Liability Company, with its principal place of business at 53026 County Road 35, Deer River, Minnesota, 56636, and can be served at its business address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2015, Cecil created the photograph entitled “Nevada-8024,” which is shown below and referred to herein as the “Work”.



11. Cecil registered the Work with the Register of Copyrights on October 25, 2015 as part of a Group Registration. The Group Registration was assigned registration number VAu 1-236-158. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. At all relevant times Cecil was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY LAKEWOOD

13. Lakewood has never been licensed to use the Work at issue in this action for any purpose.

14. On a date after the Work at issue in this action was created, but prior to the filing of this action, Lakewood copied the Work.

15. On or about April 01, 2022, Cecil discovered the unauthorized use of his Work on the Website on its page advertising the local casino as an “attraction.”

16. Lakewood copied Cecil's copyrighted Work without Cecil's permission.

17. After Lakewood copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its resort lodge business.

18. Lakewood copied and distributed Cecil's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

19. Cecil's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

20. Lakewood committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

21. Cecil never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

22. Cecil notified Lakewood of the allegations set forth herein on March 18, 2024 and April 2, 2024. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

23. Cecil incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Cecil owns a valid copyright in the Work at issue in this case.

25. Cecil registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. Lakewood copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Cecil's authorization in violation of 17 U.S.C. § 501.

27. Lakewood performed the acts alleged in the course and scope of its business activities.

28. Defendant's acts were willful.

29. Cecil has been damaged.

30. The harm caused to Cecil has been irreparable.

WHEREFORE, the Plaintiff CHARLES O. CECIL prays for judgment against the Defendant BACK COUNTRY RESORT, LLC dba LAKEWOOD LODGE that:

a. Lakewood and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Lakewood be required to pay Cecil his actual damages and Defendant's profits attributable to the infringement, or, at Cecil's election, statutory damages, as provided in 17 U.S.C. § 504

c. Cecil be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

- d. Cecil be awarded pre- and post-judgment interest; and
- e. Cecil be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Cecil hereby demands a trial by jury of all issues so triable.

Dated: September 13, 2024

Respectfully submitted,

/s/ Nathan M. Hansen

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